

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
) Case No. 22-00016-01-CR-W-BCW
v.)
)
MICHAEL W. SYLVARA,)
)
)
Defendant.)

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

PENDING CHARGE: On November 18, 2022, the Grand Jury returned a four-count Superseding Indictment charging Defendant Michael W. Sylvara with Social Security fraud (Count One), theft of government money (Count Two), and two counts of false declarations before the court (Count Three and Four).¹

The following matters were discussed and action taken during the pretrial conference:

TRIAL COUNSEL:

Government: Courtney R. Pratten and Bradley Cooper

Case Agent: Special Agent Don Krahn, Social Security Administration,
Office of Inspector General

Defense: Ronna Holloman-Hughes and Chelsey Wilson

Investigator: Mark Wolpink

Paralegal: Cachet Williams

OUTSTANDING MOTIONS: A Report and Recommendation on Doc. #109 was entered on February 27, 2023. Objections to the Report and Recommendation are due by March 13, 2023.

01/18/2023	view109	MOTION to Dismiss Count(s) 2 of superseding indictment by Michael W Sylvara. Suggestions in opposition/response due by 2/1/2023 unless otherwise directed by the court. (Holloman-Hughes, Ronna) (Entered: 01/18/2023)
------------	-------------------------	--

¹ Please note that a jury trial on a one-count Indictment charging Defendant with Social Security fraud was held in October of 2022 and ended in a mistrial as the jury was not able to reach a verdict.

02/08/2023	view117	MOTION to Dismiss Count(s) Four by USA as to Michael W Sylvara. Suggestions in opposition/response due by 2/22/2023 unless otherwise directed by the court. (Pratten, Courtney) (Entered: 02/08/2023)
------------	-------------------------	--

TRIAL WITNESSES:

Government: 5 with stipulations
Defendant: 7 witnesses, including the Defendant

TRIAL EXHIBITS:

Government: approximately 58 exhibits
Defendant: approximately 30 exhibits

DEFENSES: General denial

POSSIBLE DISPOSITION:

(X) Definitely for trial; () Possibly for trial; () Likely a plea will be worked out

TRIAL TIME: 5-6 days total

Government's case including jury selection: 3½ - 4 day(s)
Defendant: 1-2 day(s)

STIPULATIONS: The parties are in discussion regarding stipulations.

UNUSUAL QUESTIONS OF LAW: No unusual questions of law.

FILING DEADLINES:

Witness and Exhibit List

Government: Proposed Witness List filed 2/23/2023; Proposed Exhibit List filed 2/28/2023. **Updated list(s) due on or before March 7, 2023.**

Defendant: Proposed Witness List filed 2/24/2023. **Updated list(s) due on or before March 7, 2023.**

Counsel are requested to list witnesses in alphabetical order on their witness list.

Exhibit Index, if required by the District Court, Voir Dire, Jury Instructions: Due on or before March 15, 2023.

Please Note: Jury instructions must comply with Local Rule 51.1

Motion in Limine: Due on or before March 15, 2023.

TRIAL SETTING: Criminal jury trial docket set for March 20, 2023.

Please note: The Government would prefer the first week, due to other commitments and the length of trial, but counsel can make herself available the first week. Defense counsel prefers the second week as defense witnesses were previously informed that trial would be on the second week of the docket. Government counsel had previously expressed the desire for the second week, but counsel can make herself available the first week.

IT IS SO ORDERED

/s/ Lajuana M. Counts

LAJUANA M. COUNTS
UNITED STATES MAGISTRATE JUDGE